IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 949 OF 2005.

Narayan Jagobaji Kapse .vs. Z.P. Nagpur

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrars orders.	Court's or Judge's orders.

CORAM: A.P. LAVANDE & R.V. MORE, JJ.

DATED : JULY 20, 2007.

Heard Mr. J.L. Bhoot, learned Counsel for the petitioner and Mr. N.W. Sambre, learned Counsel for respondent no.3.

By this petition, the petitioner seeks direction against the respondents to release the Provident Fund and Gratuity of the petitioner. The petitioner was serving with respondent no.3 Gram Panchayat, Mendhepathar as Peon and retired on 31.10.1998.

According to the petitioner, he had approached the respondent no.3 for release of the provident fund. However, according to the respondent no.3, the petitioner did not approach the respondent no.3. We do not want to go into this controversy since Mr. Sambre, learned Counsel for the respondent no.3, has agreed to hand over provident fund pass-book of the petitioner to the petitioner who is present in person in the Court along

with Advocate Shri Bhoot. Mr. Bhoot upon taking instructions from the petitioner states that in case the said pass-book is handed over to the petitioner, he will have no further claim against the respondents in so far as the provident fund is concerned. The said book has been handed over to the petitioner who has been identified by Mr. Bhoot.

In so far as claim for Gratuity is concerned, respondent no.3 has filed affidavit stating that petitioner is not entitled to gratuity being Class-IV employee. Mr. Sambre has sought leave to produce affidavit of respondent no.3 on record, which has been granted and the affidavit is taken on record. The said affidavit discloses that Gram Panchayat, Mendhepathar has not passed any resolution for paying gratuity to Class IV employees. In view of the affidavit filed by respondent no.3, Mr. Bhoot states that he is not pressing the relief of payment of gratuity against the respondents.

In view of the above, nothing survives in the petition. Accordingly, the petition is disposed of. No order as to costs.

JUDGE. **JUDGE.**

J.